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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,420	11/20/2003	Brian Jeffrey Corcoran	TUC920030130US1	9652
45216	7590	07/25/2008		
Kunzler & McKenzie 8 EAST BROADWAY SUITE 600 SALT LAKE CITY, UT 84111			EXAMINER PHAM, KHANH B	
			ART UNIT 2166	PAPER NUMBER
			MAIL DATE 07/25/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/718,420	Applicant(s) CORCORAN ET AL.	
	Examiner Khanh B. Pham	Art Unit 2166	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15, 17-22, 24, 26-35 and 37-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15, 17-22, 24, 26-35 and 37-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/22/08</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1-15, 17-22, 24, and 26-35, 37-40** are rejected under 35 U.S.C. 102(e) as being anticipated by Zimmer et al. (US 2003/0120909 A1), hereinafter “**Zimmer**”.

As per claim 1, Zimmer teaches a storage medium comprising:

- “the self-descriptive binary data structure configured to communicate data between a source device and a target device distinct from the source device” at Figs. 1-2;

(Zimmer teaches the VTF files is configured to communicate data between non-volatile memory device 26 and System memory device 18)

- “a plurality of data segments, each of the plurality of data segments comprising a segment header and a data field, the segment header descriptive of the corresponding data segment” at Fig. 2 and [0009]-[0026];

(Zimmer teaches the firmware system 40 comprises plurality data segments 44(a), 44(b), each segment comprising a header 68)

- “a target data set within the data field” at Fig. 2

(Zimmer teaches firmware volume 88 comprises data to be loaded into RAM)

- “a data structure descriptor descriptive of the self-descriptive binary data structure, the data structure descriptor identifying the location of the target data set within the data field” at Fig. 2, element 42 and [0015];

(Zimmer teaches the VTF files provides mechanism to locate code and data and to bootstrap other firmware modules 44(a)-44(b) residing within the firmware volume 88)

As per claim 2, Zimmer teaches the medium of claim 1, further comprising : “a customizable directory descriptor, the customizable descriptor configured to provide a directory of the data stored in each of the data field within the self-descriptive binary data structure” at Fig. 2, element 70 and [0019].

As per claim 3, Zimmer teaches the medium of claim 2, wherein “the target data set comprises a bootstrap executable, the bootstrap executable configured to reference the customizable directory descriptor and to identify a location of a second target data set within the self-descriptive binary data structure using the customizable directory descriptor” [0011]-[0015].

As per claim 4, Zimmer teaches the medium of claim 3, wherein the bootstrap executable is further configured to access the second target data set within the self-descriptive binary data structure” at [0011]-[0015].

As per claim 5, Zimmer teaches the medium of claim 1, further comprising: “a data structure version descriptor configured to indicate a version of the self-descriptive binary data structure” at Fig. 2 and [0017]-[0018].

As per claim 6, Zimmer teaches the medium of claim 1, further comprising a data structure type descriptor configured to indicate a name of the plurality of data segments within the self-descriptive binary data structure” at Fig. 2 and [0016]-[0018].

As per claim 7, Zimmer teaches the medium of claim 1, further comprising: “a data structure type descriptor configured to indicate a type of the self-descriptive binary data structure” at Fig. 2 and [0023]-[0024].

As per claim 8, Zimmer teaches the medium of claim 1, further comprising: “a data structure count descriptor configured to indicate a number of the plurality of data segments within the self-descriptive binary data structure” at Fig. 2 and [0023]-[0024].

As per claim 9, Zimmer teaches the medium of claim 1, wherein the target data set is an executable” at Fig. 2 and [0018].

As per claim 10, Zimmer teaches the medium of claim 1, wherein “the target data set is a code image” at Fig. 2.

As per claim 11, Zimmer teaches the medium of claim 1, wherein “one of the plurality of data segment is an alignment data segment configured to align the size of the self-descriptive binary data structure for at least one of error detection and correction” at Fig. 2 and [0017].

As per claim 12, Zimmer teaches the medium of claim 1, wherein “the data segment header comprises a flag field configured to store a flag, the flag descriptive of the data stored in the data field” at Fig. 2.

As per claim 13, Zimmer teaches a system comprising:

- “a communication channel” at Fig.1, element 30;
- “a source communication device connected to the communication channel and configure to transmit a self-descriptive binary data structure” at Fig. 1, element 26, 30, 18;
- “a target communication device connected to the source communication device via the communication channel, the target communication device distinct from the source communication device and configured to receive the self-descriptive binary data structure from the source communication device” at Fig. 1, element 18 and [0011].

- “wherein the self-descriptive binary data structure comprises: a plurality of data segments, each of the plurality of data segments comprising a segment header and a data field, the segment header descriptive of the corresponding data segment” at Fig. 2 and [0009]-[0026];
- “a target data set within the data field” at Fig. 2 element 88;
- “a data structure descriptor descriptive of the self-descriptive binary data structure, the data structure descriptor configured to identify the location of the target data set within the data field” at Fig. 2 element 42 and [0015];
- “wherein the target communication device is configured to process an executable, the executable stored in the self-descriptive binary data structure”

As per claim 14, Zimmer teaches the system of claim 13, wherein “the source communication device is further configured to generate the self-descriptive binary data structure” at [0021].

As per claim 15, Zimmer teaches the system of claim 14, wherein “the source communication device is further configured to generate the self-descriptive binary data structure from a non-binary data structure” at [0021]

As per claim 17, Zimmer teaches the system of claim 13, wherein “the executable comprises a bootstrap executable, the bootstrap executable configured to access a code image within the self-descriptive binary data structure” at [0011].

Claims 18-22, 24, 26-35, 37-40 recite similar limitations as discussed above and therefore are rejected by the same reasons.

Response to Arguments

3. Applicant's arguments filed 5/19/2008 have been fully considered but they are not persuasive. The examiner respectfully traverses Applicant's arguments.

4. Applicant argued that "there is no teaching in Zimmer of communication the data structure between a source and a target device." because "The source (Non-volatile memory, Zimmer, fig. 1, ref. 26) and target (System memory, Zimmer, fig. 1, ref. 18) cited by the Examiner are incorporated in a single distinct device". The examiner respectfully submits that Zimmer teaches at Fig.1 the source and target are two different and distinct memory devices. Zimmer teaches transferring the data structure between Non-volatile memory device 26 and System memory device 18, and therefore anticipated the claimed limitations.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh B. Pham whose telephone number is (571) 272-4116. The examiner can normally be reached on Monday through Friday 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (571) 272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2166

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Khanh B. Pham/
Primary Examiner
Art Unit 2166

July 24, 2008